

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

ELIZABETH CHAN, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

No. 23 Civ. 10365 (LJL)

DECLARATION OF MONICA PAVLIK

I, MONICA PAVLIK, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over the age of 18 years. I am competent to testify to, and have personal knowledge of, the matters set forth herein.
2. I am a resident of Boulder, Colorado, and my business address is 12300 W. Dakota Ave., Lakewood, CO 80228.
3. I am currently Specially Designated Project Oversight Manager (sdPOM) with the Federal Highway Administration (FHWA) New York Division and have served in this capacity since December of 2021.
4. I started with the FHWA in November 2002. In April 2016, I became the sdPOM for FHWA Major Projects. I currently cover FHWA Major Projects in Colorado, Oregon, Washington, Arizona, and New York.
5. As sdPOM my responsibilities include assisting the New York State Department of Transportation (NYSDOT), New York City Department of Transportation (NYCDOT) and the Triborough Bridge and Tunnel Authority (TBTA), an affiliate of the Metropolitan Transportation Authority (MTA) in the development of the Central Business District Tolling Program (the

Project) in compliance with the National Environmental Policy Act (NEPA), Council of Environmental Quality (CEQ) Guidelines, and FHWA Directives relating to social, economic, and environmental effects of proposed projects.

6. As sdPOM, I am familiar with the Central Business District Tolling Program, which is the subject of the above-referenced lawsuit.

7. As sdPOM, my responsibilities include oversight responsibility associated with the preparation of the Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Project, which were published on May 12, 2023 and June 23, 2023, respectively. Specifically, I oversaw the development of various technical documents and studies as part of the NEPA process.

8. In my capacity as sdPOM, I also oversaw the coordination and compilation of the FHWA administrative record for the Project. I coordinated an FHWA-wide search to locate, evaluate, and identify documents upon which the FHWA decision-maker directly or indirectly considered in evaluating the Central Business District Tolling Program Project under NEPA.

10. To the best of my knowledge and based on my personal involvement in compiling the administrative record, the index, attached hereto as Exhibit 1, and record documents lodged with the Court and served on Counsel of Record in this matter constitute a true, correct, and complete copy of the administrative record for the Project.

11. To the best of my knowledge, each document contained in the administrative record is a true and correct copy of the original document located in the files of the FHWA.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 22nd day of February, 2024

Monica Pavlik